IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5279 of 2006

Dated: March 20, 2006

Between:

Y.L. Seshagiri Rao, S/o. Mastan,

aged 46 years, C/o. Bandireddy Krishnarao,

Opposite Vishnupriya lodge, 3rd ward,

Avanigadda, Krishna District.

… Petitioner

And

The Regional Manager, APSRTC,

Vijayawada Region, Vijayawada, and

another.

… Respondents

Order:

Petitioner, by this Writ Petition, seeks Mandamus declaring the action of the respondents in retiring him from service on medical grounds by orders dated 24-09-2001, without considering appeals dated 23-10-2001 and further reminders, as illegal and arbitrary, and a consequential direction is also sought to reinstate him with all benefits.

2. While the petitioner was working as a Driver in the respondent-Corporation, his bus bearing No.AP9Z-9973 met with an accident on the route Vijayawada-Kanumuru on 29-10-1997, in which the petitioner sustained severe injuries. Subsequently, basing on the opinion of the Medical Officer, an order dated 24-09-2001 was passed by the second respondent, the Depot Manager, Avanigadda, retiring the petitioner on medial grounds in terms of Item No.6A-4 of the APSRTC (Service) Regulations 1964. Immediately thereafter, the petitioner has appealed to the Regional Manager, Vijayawada Region, by way of representation, to consider his case for alternative post, in which representation, he expressed poor financial status and his inability to maintain his wife, children and aged parents. He approaches this Court by way of the present Writ Petition on the ground that his representation has not yet been considered by the respondents.

3 . However it is to be noticed in this case that as per the service regulations applicable, as against the orders of the Depot Manager, an appeal lies to the Divisional Manager, but not to the Regional Manger, to whom the petitioner has appealed. Though the petitioner has filed representation/appeal to the Regional Manager, it appears that even the said authority also has not passed any orders on the representation/appeal filed by the petitioner.

4. As much as against the orders of the Depot Manager, an appeal is provided to the Divisional Manager, I dispose of the Writ Petition directing the petitioner to file an appeal against the order passed by the Depot Manager, Avanigadda, dated 24-09-2001, to the Divisional Manager, Vijayawada, within four (4) weeks from today. On such appeal being filed, the appellate authority, i.e. Divisional Manager, Vijayawada, shall entertain the same and pass appropriate orders on merits, within eight (8) weeks thereafter.

5. The Writ Petition is disposed of with the above directions. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

March 18, 2006

MRR